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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/084,908	02/28/2002	Maxim A. Bolshtyansky	1-14	2903

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EXAMINER

NGUYEN, TUAN N

ART UNIT PAPER NUMBER

2828

DATE MAILED: 10/22/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action

Application No.

10/084,908

Applicant(s)

BOLSHTYANSKY ET AL.

Examiner

Tuan N Nguyen

Art Unit

2828

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 01 October 2003 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☒ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
 - (b) ☐ they raise the issue of new matter (see Note below);
 - (c) ☒ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 - (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____

3. ☐ Applicant's reply has overcome the following rejection(s): _____.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: see the attachment.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☒ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: _____

Claim(s) objected to: _____

Claim(s) rejected: 1-3, 5-9, 11-14, 16-18

Claim(s) withdrawn from consideration: _____

8. ☐ The proposed drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____
10. ☐ Other: _____


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Continuation of 5. does NOT place the application in condition for allowance because: the amended claims has been considered in view of the changes " a CLADDING PUMPED optical fiber, a MULTI-MODE pumping source, a combiner COMPRISING A TAPERED FIBER BUNDLE ... coupling pump light into the laser cavity UTILIZING MODE-BASED COUPLING WITHOUT THE USE OF WAVELENGTH-BASED COUPLING." In view of references DiGiovanni et al. (US 5864644) and/or Alphonse et al. (US 6363088) alone or in combination will meet the amended claims.

DiGiovanni et al. '644 shows in figures 1a-d, 3a-e, 5, 7a-h and discloses in the BACKGROUND OF THE INVENTION and SUMMARY OF THE INVENTION a cladding-pumped fiber device used in a wide variety of optical application, where there is a multi-mode pump source and a combiner having at least first, second and third port where the combiner comprising a tapered fiber bundle to couple light from multi-mode pump source utilizing mode-based coupling with the use of wavelength-based coupling (Col: 1-2). It is not new in the art having a optical fiber coupled between between a reflective device; and it is within one skill in the art to recognize the same device used in a variety of optical application, rearranging which port to pump or which port coupled within the laser cavity is within one skill in the art. Or Alphonse et al. (US 6363088), shows in figures 3-9a-b and discloses in (Col 1-11) a cladding pump fiber having rare earth core (Col 5: 20-30; Col 6: Table 1), where fiber has Bragg grating that consist of 1st and 2nd reflector (F 4: 410, 415) and grating has high index coating and low index coating (Col 7: 0-25; Col 3: 43-47; Col 11: 18-40), and , and the fiber laser is configured for directional pumping or bi-directional pumping (Col 3: 12-15; Col 6: 65-67; Col 11: 42-55).

Since claims 12, 14, 16, 17 recite the same or identical elements/limitations it is inherent to use patents ('644) and ('088) to recite the method for combining laser light with pump light in an optical fiber laser device, product by process.

Earlier rejection did not use a combination of references; rejection was based on the claims language.

Claims 2, 4, 9, 10, 13, 15, 18 have been cancelled; Claims 1, 3, 12, 14 has been amended.